

BYLAWS OF THE MICHIGAN PUBLIC SERVICE COMMISSION

These ByLaws were adopted at a meeting of the Commission on January 22, 1979, effective March 1, 1979, as amended by the Commission at a meeting on _____, 2008, effective immediately.

ARTICLE I – THE COMMISSION

Section 1. Seal of the Commission. The Commission shall adopt an official seal and may use the seal to authenticate official documents and records. The seal shall bear the name of the Commission and be in such form as shall be determined by Resolution of the Commission.

Section 2. Office of the Commission. The offices of the Commission shall be in Lansing and all Regular or Special Meetings shall be held in these offices unless otherwise specified by the Commission.

ARTICLE II – OFFICERS

Section 1. Chairman. The Chairman of the Commission shall be the member of the Commission designated by the Governor under MCL 460.2. The Chairman shall preside at meetings of the Commission, and shall be the chief administrative officer of the Commission, having general supervision over the business and affairs of the Commission. The policy of the Commission shall be set by the Commission.

Section 2. Vice-Chairman. The Commission may elect a member to serve as Vice-Chairman. If elected, the Vice-Chairman shall serve until replaced or his or her term ends and shall perform the duties of the Chairman when the Chairman is unavailable, except as otherwise provided by law.

ARTICLE III – MEETINGS

Section 1. Open Meetings Act. The Commission shall conduct meetings under these ByLaws in accordance with the Open Meetings Act, MCL 15.261 et seq. The Commission is exempt from the Open Meetings Act when deliberating the merits of a case, as set forth in MCL 15.263(7)(f).

Section 2. Meetings. Official actions shall be taken only at a meeting conducted in accordance with these ByLaws. The Commission shall conduct meetings as follows:

(a) Organizational Meeting. Within 30 days after the appointment of any new member to the Commission, the Commission shall conduct an Organizational Meeting, at which the Commission shall either reaffirm the ByLaws or entertain a motion to amend the ByLaws. If a member of the Commission moves to amend the ByLaws, he or she shall submit the proposed amendment for consideration in accordance with Article IV of these ByLaws.

Public notice of an Organizational Meeting shall be given in the same manner as a Special Meeting under the Open Meetings Act.

An Organizational Meeting may be conducted concurrently with a scheduled or re-scheduled Regular Meeting, if public notice is given in accordance with the preceding sentence.

(b) First Regular Meeting of Year. At the first Regular Meeting of the year, the Commission shall announce its schedule of dates and times for remaining regular meetings for the calendar year and shall post public notice of the schedule within 10 days. Public notice of the first Regular Meeting shall be given in the same manner as a Special Meeting under the Open Meetings Act.

(c) Regular Meetings. The Commission shall meet in regular session as set forth in the schedule of meetings adopted under Section 2(b).

(d) Re-Scheduled Regular Meetings. The Commission may announce revisions to the schedule of regular meetings at any prior meeting.

A Re-Scheduled Regular Meeting shall substitute for the originally scheduled Regular Meeting for purposes of these ByLaws, and all official actions taken shall have the same force and effect as those taken at a Regular Meeting.

(e) Special Meetings. The Commission shall, upon the request of any member of the Commission, call a Special Meeting. The Special Meeting shall be scheduled on any working day, giving due regard to the availability of all members to participate, but subject to any statutory deadline that requires disposition of items placed on the agenda of the Special Meeting.

All official actions taken at a Special Meeting shall have the same force and effect as those taken at a Regular Meeting of the Commission.

(f) Emergency Meetings. If severe and imminent threat to the health, safety, or welfare of the public exists and at least two members of the Commission determine that a delay in Commission action would be detrimental to efforts to lessen or respond to that threat, the Commission may meet in an Emergency Session without giving public notice of that session as provided in MCL 15.265(5).

Section 3. Public Notice. Public notice of meetings shall be given as provided in the Open Meetings Act. The Executive Secretary of the Commission is designated as the person to give public notice.

Section 4. Agenda. The Commission may post a proposed agenda prior to or during the business day immediately preceding the meeting.

Section 5. Quorum. A majority of the duly appointed members of the Commission shall constitute a quorum as provided in MCL 460.2 and not less than a majority of such members may take any official action.

Section 6. Order and Conduct of Business at Meeting.

(1) Call to Order. The Chairman shall call a meeting to order and may lead those present in the Pledge of Allegiance.

(2) Declaration of Quorum. The Executive Secretary shall call the roll and declare whether there is a quorum. Telephonic participation under Section 7 is sufficient to establish any member's attendance for purposes of this section.

(3) Approval of Agenda. The Commission may amend and shall adopt an agenda by majority vote. Items may be added or deleted by amendment.

(4) Approval of Minutes. At a Regular Meeting, the minutes of the previous Regular and any other prior meeting since the last Regular Meeting shall be corrected, if necessary, and approved by the Commission.

(5) Manner of Voting. The Chairman or any member of the Commission may call for a vote at any time in a Regular or Special Meeting. In the normal course of business at a Regular or Special Meeting, the Chairman shall announce each item designated for voting on the agenda, a member of the Staff shall read a brief description of the proposed action, and such vote shall be held immediately if the proposed action is moved and seconded. If the proposed action provides for the adjudication of an application, complaint, or other request within the Commission's statutory discretion or other disposition of, or direction of further proceedings on, a matter pending for decision before the Commission in accordance with law, it shall be presented in the form of an order that complies with MCL 24.285 or, in appropriate cases, a minute action. The voting shall be by voice call with the yeas and nays entered in the minutes of such meeting. If the proposed action receives the affirmative vote of a majority of the Commission, it shall issue as an official action of the Commission in accordance with the procedures set forth in subsection (6). The Chairman shall recognize any member who wishes to make a brief verbal explanation of his or her vote or abstention and afford the opportunity to do so before moving to other items of business.

(6) Issuance of Orders and Minute Actions. Each member shall sign the order or minute action in accordance with his or her vote. A signature without explanation indicates that member's unqualified assent to the order or minute action. In other cases, the signature shall be accompanied by a brief explanation of the vote (e.g., concurrence, dissent, abstention). A member may also attach a separate, signed opinion explaining the basis for a concurrence or dissent. The Executive Secretary shall authenticate the order or minute action by his or her signature and the official seal of the Commission. At the discretion of the Commission, the entry of orders, minute actions, and other documents memorializing official actions, including the affixing of signatures and the seal, may be effected electronically, without the issuance of a paper copy. Ministerial acts required under this subsection to formalize issuance and release the order or minute action to the public shall be completed by the end of the business day of the meeting.

(7) Public Meetings. Meetings of the Commission are public meetings and individuals shall have a reasonable opportunity to be heard.

At the time provided in the agenda, the Chairman or other presiding officer may recognize and extend an opportunity to speak to any person desiring to address the Commission with respect to any matter except when it is the subject of a contested case that is presently pending.

The Commission may limit the period of time during which the public may address it and the Commission may also limit the portion of that period of time allocated to each individual desiring to address the Commission. The Commission may require individuals desiring to address the Commission to identify themselves.

The Chairman may warn any person or curtail an opportunity to speak for failure to be germane, for vulgarity, for redundancy, or for speaking in excess of the allotted time.

Section 7. Telephonic Participation. Any member of the Commission who is unable to be present in person at a meeting may participate and vote by telephone or similar audio connection and may sign orders, separate opinions, and minute actions electronically.

Section 8. Minutes. Minutes of all the meetings including votes on all official actions taken at those meetings shall be kept by the Executive Secretary of the Commission. Proposed minutes of all meetings shall be available for public inspection not later than eight days after the meeting to which they refer. Approved minutes shall be available for public inspection not later than five days after the meeting at which the minutes were approved.

Section 9. Procedures. Robert's Rules of Order, Newly Revised, as modified by these ByLaws, shall be observed by the Commission in the conduct of its business.

ARTICLE IV – AMENDMENTS

These ByLaws may be amended in accordance with the following procedure: The proposed amendment or amendments shall be submitted in writing at a Regular or Organizational Meeting and shall lay on the table between that meeting and the next Regular Meeting, at which time such amendment or amendments must be voted upon. The proposed amendment or amendments may only be adopted by the affirmative vote of a majority of the members of the Commission at the Regular Meeting following the meeting at which such amendment or amendments were submitted.

ARTICLE V – SUSPENSION OF BYLAWS

Any of the provisions of the ByLaws may be suspended at any Regular, Special, Emergency, or Organizational Meeting by a unanimous vote of the members of the Commission if permitted by law.